

1 size updates. I also provide technical support to the Yakama Nation Tribal Council on fishery
2 management.

3
4 Q: How long have you been in this position?

5 A: I started this position in September of 1999; I have served in this position for over 16
6 years.

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8 Q: Prior to your current position, what did you do?

9 A: I started at the Biologist level on the Satus Watershed Restoration Project in October of
10 1997. Prior to that I was a student.

11
12 Q: Can you please describe your educational background?

13 A: I have a Baccalaureate Degree in Fisheries from the University of Washington.

14
15 Q: Can you please describe your experience in fisheries and working with tribal fisherman?

16 A: I grew up along the Columbia River in a fishing family. I have fished and been around
17 fisheries since early childhood. I mainly fished platforms and gillnets in the Columbia River.
18 My father has worked for the Yakama Nation Fisheries since 1977 and used to ride along when
19 he would monitor treaty fisheries.

20
21 Q: Are you aware of Tesoro Savage Petroleum Terminal LLC's application to construct and
22 operate the Tesoro Savage Vancouver Energy Distribution Terminal at the Port of Vancouver,
23 Washington?

1 A: Yes.

2

3 Q: What is your understanding of the plans regarding the Tesoro Savage Vancouver Energy
4 Distribution Terminal?

5 A: The Tesoro Savage Vancouver Energy Distribution Terminal (“Terminal”) would be a
6 crude oil terminal, capable of receiving an average of 360,000 barrels of crude oil per day. At
7 the Terminal, the crude oil will be unloaded from trains, stored on-site, and loaded onto marine
8 vessels. The marine vessels would deliver crude oil to refineries primarily located on the West
9 Coast.

10

11 Q: What is your opinion of this planned project to construct the Tesoro Savage Vancouver
12 Energy Distribution Terminal at the Port of Vancouver, Washington?

13 A: If the Terminal is built, it will negatively impact tribal fishers in a significant way. The
14 resulting increase in train traffic will make it more difficult for tribal fishers to access fishing
15 sites. Further, for the tribal fishers that do access the fishing sites, it will increase the risk of
16 injury or death.

17

18 Q: What risks and hazards, if any, do tribal fishers generally face when accessing fishing
19 sites along the Columbia River?

20 A: The biggest risk to the safety of tribal fishers when accessing fishing sites is the
21 proximity of the train tracks to fishing sites. Many fishing sites can only be accessed by crossing
22 train tracks. In order to access fishing sites, tribal fishers have to cross the train tracks, by foot or
23 in vehicles. The train track crossings, especially in the remote locations, do not always have

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25 PREFILED DIRECT TESTIMONY OF:
ROGER DICK, JR. – 3

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1 signal and safety apparatus. Further, in many locations, the railroad companies have posted no-
2 trespassing signs around the train track crossings; this prevents tribal fishers from parking near
3 the access point to the fishing sites and forces tribal fishers to park further away, and walk along
4 the train tracks to access the fishing sites.

5
6 Q: Can you describe how you have seen these risks or hazards impacting tribal fishers in
7 your experience?

8 A: Tribal fishers face a significant risk of injury or fatality as a result of the proximity of the
9 train tracks to the fishing sites. They are generally forced to cross the train tracks to access the
10 fishing sites. Every time a tribal fisherman crosses a train track, they are subjecting themselves
11 to the risk of injury or death. Over the years, there have been a number of fatalities due to train
12 strikes. In my experience, I can recall a former Yakama Nation Fisheries employee getting hit
13 by a train, when he was driving over a railroad crossing to access a commercial gillnet fishing
14 site in the John Day reservoir.

15
16 Q: How do you see increased train traffic impacting fishing sites, including, but not limiting
17 to, fishers' access to these sites?

18 A: Increased train traffic will make it more difficult to accessing fishing sites. For certain
19 locations, because the tribal fishers are forced to cross train tracks, the tribal fishers already face
20 a significant risk of injury or death in order to access fishing sites. If there is more train traffic,
21 the risk of injury or death increases. This is unacceptable and would only further erode our
22 Treaty rights secured to us by our ancestors. Increased train traffic will negatively impact the

1 ability of tribal fishers to access fishing sites, and for those tribal fishers that do choose to
2 continue accessing the fishing sites, it will increase the risk to their safety.

3
4 Q: Are you aware of any spills and/or derailments that occurred at or near fishing sites?

5 A: Yes, there have been a number of train derailments that have resulted in materials being
6 spilled into or near the banks of the Columbia River. In particular, I can recall a train that
7 derailed and spilled grain in the Bonneville Reservoir; afterwards, the tribal fishers reported that
8 the water depth and flow of the fishing site had been altered and that the spill attracted non-target
9 species, such as the white sturgeon, that negatively affected salmon catch.

10
11 Q: How do spills and/or derailments impact fishing sites and tribal fishers?

12 A: A spill or derailment would have a significant negative impact on fishing sites and tribal
13 fishers. After materials are spilled into or near fishing sites, the fishing sites have to be closed
14 until contamination has been cleaned to the point the water and the fish are deemed safe for
15 human consumption. Obviously, this prevents tribal fishers from accessing the fishing sites.
16 Many tribal fishers are hesitant to fish at sites where spills have occurred. Further, the tribal
17 fishers have also reported to the Yakama Nation Fisheries that after a spill, the catch of fish
18 declined significantly. Solid materials that are deposited may alter the water depth, flow and may
19 also result in the attraction of non-target fish species. Chemicals may be absorbed by sediments
20 and repel fish from the area.

21 The tribal fishers depend on fishing for both consumption and income. For subsistence
22 fishing, the tribal fishers are allowed to take fish throughout the year. For commercial fishing,
23 there are seasons where the tribal fishers are allowed to take fish. In short, many tribal fishers,

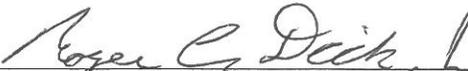
1 and their families, derive a significant amount of their livelihoods from fishing, in addition to
2 consuming fish as a part of their regular diet. In addition, fishing is part of our indigenous
3 culture and plays a major role in Yakama's cultural and religious practices. Fishing has been
4 part of the Yakama culture since time immemorial. Accordingly, any limitation on the ability of
5 tribal fishers to fish would have a huge negative impact on tribal fishers and our Treaty-protected
6 rights.

7
8 Q: How do you see increased train traffic impacting the chance of spills and/or derailments?

9 A: There have already been derailments that have resulted in spills that have deposited
10 materials in the Columbia River, impacting the tribal fishers and fishing sites. Accordingly, any
11 increase in train traffic will likely result in an increase in derailments and spills. As the Terminal
12 will involve the transportation of oil, a derailment or spill has the potential to devastate the tribal
13 fishers and fishing sites. If oil were to contaminate a fishing site, the cleaning of the fishing sites
14 would likely take a significant amount of time and would, therefore, prevent tribal fishing. Even
15 after the site is cleaned, the fish may still be affected, negatively impacting the tribal fishers'
16 potential catch.

17
18 I, Roger Dick, Jr., declare under penalty of perjury under the laws of the State of Washington
19 that the foregoing PREFILED DIRECT TESTIMONY OF ROGER DICK, JR. is true and
20 correct to the best of my knowledge and belief.

1 Signed at Harrah, Washington, this 13th day of May, 2016.

2
3 
4 _____
5 ROGER DICK, JR.

6 Dated this 13th day of May, 2016.

7 
8 _____

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